

INDEX: ☐ YES ☒ NO

CLASSIFY TO FILE NO.

X-REF TO FILE NO.

FILE RID ☐ RET. TO BRANCH ☐

DESTROY ☐ sig.

CLASSIFIED MESSAGE

SECRET

GROUP 1
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND
DECLASSIFICATION

REPRODUCTION PROHIBITED

PERSON/UNIT NOTIFIED:

ACTION

ADVANCE COPY

UNIT

TIME

10

INFO

FILE JK, CS/DO, DCI, DDCI, EX/DIR, DDP, ADDP, CS/RT,
CS/SP 5 CS/CI, CF1, CI=1/INT 2, QGC 2

20 MAY 66 21364

S E C R E T 201610Z CITE/ 3364(ACTING)

PRIORITY DIRECTOR

KEYWAY

REF A OCOW 5792

B DIR 04011

1. IN ABSENCE (DELIVERED REF A DEPOSITION TO : ()

AFTERNOON 18 MAY. () WHO WAS STANDING BY FOR MEETING WITH
DEPUTY CHIEF SMABLE ON ANOTHER MATTER, DID NOT READ ACCOMPANYING
LETTER OR COMMENT ON DEPOSITION OTHER THAN ITS SIZE.

2. () STATED THAT MORNING 13 MAY HE HAD MEETING WITH ()
RE HEINE CASE. ACCORDING () () TOLD HIM THAT SMADD GOVT
HAD BEEN CONSIDERING FORMAL PROTEST TO-ODYOKE RE INJUSTICE DONE TO
SMADD CITIZEN BY KUBARK ACTION. HOWEVER, THEY HAD NOW RECONSIDERED
AND WOULD PROBABLY REQUEST SMADD EMBASSY MAKE ORAL REPRESENTATIONS TO
ODACID. WHILE WORDING THESE REPRESENTATIONS STILL BEING CONSIDERED
(PRESEUMABLY THEY BEING DRAFTED BY () () FELT THAT THEY
WOULD MAKE REFERENCE TO LACK OF COOPERATION BETWEEN KUBARK AND SMADD
GOVT IN THAT KUBARK WAS REMISS IN NOT KEEPING SMADDS INFORMED OF
ACTION THEY TAKING WHICH INVOLVED SMADD CITIZEN. ACCORDING ()
HE TOOK EXCEPTION TO () STATEMENT AND TOLD HIM THAT HE WAS IN

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCES/METHODS EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2006

DECLASSIFIED
per DOJ 70-17

Chairman	TIC
Deputy Chairman	40
Chief of State	Ex-officio

SECRET

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ERROR; THAT THERE HAD BEEN FULL EXCHANGE HEINE BACKGROUND AND DOUBTS CONCERNING HIS ESCAPE STORY AND BONA FIDES; AND THAT KUBARK HAD TAKEN OPERATIONAL DECISION BASED THEIR BEST PROFESSIONAL JUDGEMENT OF HEINE ACTIVITIES PS⁸PRIME OUT OF NECESSITY PROTECT ODYOKE INTERESTS. (²) STATED THAT HE TOLD (⁴) THAT SMABOVES⁹ WOULD NOT BE ASSOCIATED IN ANY WAY WITH REPRESENTATIONS TO ODYOKE⁶ THAT WERE CRITICAL KUBARK HANDLING OF CASE. (⁴) HAD INDICATED EARLIER IN DISCUSSION WITH (²) THAT TEXT OF ANY ORAL REPRESENTATIONS WOULD BE COORDINATED WITH MINISTER OF JUSTICE OR ATTORNEY GENERAL. (²) STATED TO

[¹] THAT HE WAS DRAFTING MEMO TO MINISTER OF JUSTICE AND ATTORNEY GENERAL STATING (NEGATIVE) POSITION OF SMABOVES⁹ SHOULD MINISTERS BE CONSULTED IN REGARD TO FORM OR TEXT OF ANY SUCH ORAL REPRESENTATIONS.

3. (²) ALSO NOTED THAT (⁴) HAD TAKEN PAINS TO STATE THAT HE WAS NOT IN FAVOR ANY REPRESENTATIONS BUT THAT HIS "POLITICAL MASTERS" CONTINUE BE CONCERNED POSSIBLE REPERCUSSIONS IN PARLIAMENT AND DESIRE BE ON RECORD AS HAVING TAKEN STRONG STAND THIS CASE.

4. DESPITE (⁴) APPARENT CONTINUED CONCERN, (²) IS OF OPINION THAT WITH DECISION HEINE CASE DEFERRED UNTIL AUGUST, POSSIBILITIES POLITICAL REPERCUSSIONS AT THIS TIME HAVE BEEN

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SIGNIFICANTLY REDUCED.

5. UNLESS CASE AGAIN BECOMES OF PARLIAMENTARY INTEREST, OTTAWA FEELS THAT (²) REJECTION ⁹ SMABOVE ASSOCIATION WITH ANY ORAL REPRESENTATIONS TO ODYOKE MAY CAUSE MATTER TO BE DROPPED SINCE (⁴) NOT NOTED FOR GETTING OUT ON LIMB BY HIMSELF.

6. DEPUTY CHIEF PBSWING ¹⁰ DELIVERED RESPONSE TO QUESTIONS RAISED LIMDIS 1520 LATE AFTERNOON 17 MAY. [] ¹⁰ HAD BRIEF OPPORTUNITY SCAN TEXT THESE REPLIES PRIOR TO DEPUTY CHIEF PBSWING DEPARTURE FOR MEETING. THEY APPEAR IDENTICAL WITH TEXTS PROVIDED REF B BUT THERE WAS NO OPPORTUNITY TO MAKE ACTUAL COMPARISON. REPORT THIS MEETING FORWARDED LIMDIS 1571, 18 MAY. WITHOUT REFERRING TO FOREGOING DISCUSSION WITH (²) [] ¹⁰ HAS ASKED DEPUTY CHIEF PBSWING IF SMADDS ⁵ HAD INDICATED IN ANY WAY WHAT FURTHER ACTION SMADD GOVT MIGHT BE CONTEMPLATING THIS CASE AND HE RESPONDED IN NEGATIVE.

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BT

C/S Comment: *Forwarded background info on Heine case.

**Disseminated on 9 May

***Not received as of 1830z 20 May:

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